

AMENDED IN ASSEMBLY JUNE 30, 2011

AMENDED IN SENATE MAY 17, 2011

AMENDED IN SENATE APRIL 28, 2011

SENATE BILL

No. 821

Introduced by Senator Fuller

February 18, 2011

An act to add Article 3.5 (commencing with Section 35740) to Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code, relating to school district reorganization.

LEGISLATIVE COUNSEL'S DIGEST

SB 821, as amended, Fuller. School district reorganization: fiscal actions affecting newly organized or reorganized school districts.

Under existing law, the process of school district reorganization begins with the submission of a petition that is reviewed by the county superintendent of schools and, if sufficient, forwarded to the county committee on school district organization and the State Board of Education for additional review and public hearings. The county committee on school district organization is authorized to formulate plans and recommendations for the reorganization of school districts. The reorganization, if approved by the county committee on school district organization or the ~~State Board of Education~~ *state board*, is required to be voted upon during the next available election. The reorganization plans are also required to meet specified requirements, and the reorganization plans for school districts with more than 500,000 pupils based on average daily attendance are required to satisfy additional conditions.

This bill would, with respect to a school district involved in a reorganization, as specified, require the interim or governing board of the existing school district or districts, and, where applicable, the administrators of the existing school district or districts, to notify the county superintendent of schools in writing and provide relevant documents and information no less than 10 schooldays, as defined, before taking any action on any matter that could have a material fiscal impact on, or impose a debt or liability on, the existing, proposed, newly formed, or newly organized school district.

The bill would authorize the county superintendent of schools to review any action taken or proposed to be taken by any interim or existing governing board of the school district or school district administrators to determine whether that action would have a material fiscal impact, debt, or liability on the existing, proposed, newly formed, or newly organized school district. The bill would further provide that if, based on the county superintendent of schools review, the county superintendent of schools determines that the action or proposed action would have a material fiscal impact on the existing, proposed, newly formed, or newly organized school district, and that action is unnecessary for the immediate functioning of the existing or newly formed school district, the county superintendent of schools would be authorized to stay or rescind that action.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.5 (commencing with Section 35740) is
2 added to Chapter 4 of Part 21 of Division 3 of Title 2 of the
3 Education Code, to read:

4
5 Article 3.5. Fiscal Actions of Newly Organized or Reorganized
6 School Districts
7

8 35740. In addition to satisfying the requirements of subdivision
9 (j) of Section 42127.6, upon the approval of a petition for
10 reorganization and continuing after the certification of the election
11 results for a newly organized school district pursuant to Section
12 35763, or upon the appointment of an interim governing board
13 pursuant to Section 35100, until the effective date of the newly

1 organized or newly formed school district in accordance with
2 Article 4 (commencing with Section 35530) of Chapter 3, a school
3 district involved in a reorganization as an existing, proposed, newly
4 formed, or newly organized school district is subject to all of the
5 following:

6 (a) (1) The interim board or the governing board of the existing
7 school district or districts, and, where applicable, the administrators
8 of the existing school district or districts, shall notify the county
9 superintendent of schools in writing and provide relevant
10 documents and information no less than 10 schooldays before
11 taking any action on any matter that could have a material fiscal
12 impact on, or impose a debt or liability on, the existing, proposed,
13 newly formed, or newly organized school district.

14 (2) Notwithstanding any other law, failure to provide the notice
15 and relevant documents and information required by paragraph
16 (1) shall nullify the action taken by the board or administrator of
17 the school district or districts.

18 (3) As used in this section, “schoolday” means a day upon which
19 the schools of the district are in session or non-holiday weekdays
20 during the summer recess.

21 (b) The county superintendent of schools may review any action
22 taken or proposed to be taken by any interim or existing governing
23 board or school district administrators to determine whether that
24 action would have a material fiscal impact, debt, or liability on the
25 existing, proposed, newly formed, or newly organized school
26 district. If, based on the review of the county superintendent of
27 schools, the county superintendent of schools determines that the
28 action or proposed action would have a material fiscal impact on
29 the existing, proposed, newly formed, or newly organized school
30 district, and that action is unnecessary for the immediate
31 functioning of the existing or newly formed school district, the
32 county superintendent of schools may stay or rescind that action.
33 The county superintendent of schools shall inform the existing or
34 interim reorganized school district governing board or the school
35 district administrators in writing of his or her justification for the
36 exercise of authority under this subdivision to ~~deny the request~~
37 *stay or rescind any action of the interim or existing governing*
38 *board or the school district administrators.*

39 (c) A school district shall provide any documents or information
40 requested by the county superintendent of schools in a timely

- 1 manner related to proposed actions that are under review pursuant
2 to this section.
- 3 (d) ~~The requirements~~ *provisions* of this section shall apply
4 irrespective of a school district's budget or certification status
5 under Article 2 (commencing with Section 42120) or Article 3
6 (commencing with Section 42130) of Chapter 6 of Part 24.